

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

THOMAS SCHROPP,

Defendant.

8:12CR300

ORDER

This matter is before the court on its own motion. The defendant must make a substantial showing of the denial of a constitutional right in order to be granted a certificate of appealability with respect to a § 2255 motion. See [Miller-El v. Cockrell](#), 537 U.S. 322 (2003). “A substantial showing is a showing that issues are debatable among reasonable jurists, a court could resolve the issues differently, or the issues deserve further proceedings.” [Cox v. Norris](#), 133 F.3d 565, 569 (8th Cir. 1997). Moreover, “[w]here a district court has rejected the constitutional claims on the merits, the showing required to satisfy § 2253(c) is straightforward: The petitioner must demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong.” [Miller-El](#), 537 U.S. at 338 (quoting [Slack v. McDaniel](#), 529 U.S. 473, 484 (2000)).

The court finds the defendant's motion does not present questions of substance for appellate review and, therefore, does not make the requisite showing to satisfy § 2253(c). See [28 U.S.C. § 2253\(c\)\(2\)](#); [Fed. R. App. P. 22\(b\)](#). Accordingly, no certificate of appealability pursuant to [28 U.S.C. § 2253\(c\)](#) will issue. Should the defendant wish to seek further review of his petition, he may request a certificate of appealability from a

judge of the United States Court of Appeals for the Eighth Circuit. See [Tiedman v. Benson](#), 122 F.3d 518, 520-22 (8th Cir. 1997).

Dated this 10th day of July, 2018.

BY THE COURT:

s/ Joseph F. Bataillon
Senior United States District Judge